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To: Microsoft ATR
Date: 1/24/02 8:12am
Subject: Microsoft Settlement

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Ladies and Gentlemen of the US Department of Justice,

This is a long one, but please stick it out to the end.

As an IT professional I come into contact with both Microsoft and other vendors' software every day.

I have both a Windows 2000 and a Red Hat Linux desktop computer on my desk. I use third-party software for both.

In the past year, I have kept an eye out for security alerts for both sets of software, and, obviously, spotted trends relating to both. I have seen the various issues relating to the trial in the news on a variety of sources, from cnn.com to slashdot.org, encountered pretty much the entire spectrum of feelings about the case, from pro-MS to alt.bin.billgates.die.die.die - there's a lot of strong opinions out there.

In my job I have to liaise with several companies who produce hardware and software. Some work with MS, some against them, most, both with them and against them.

Never, in any dealings with any vendor, have I encountered one so awkward, monomaniacal, unhelpful, unrepentant and secretive as Microsoft.

They produce, in my experienced, half-baked products, rich in features stolen from other places, and generally tie their software into their operating systems to create a mesh of lock-in. They have leveraged their overwhelming desktop monopoly to subvert web standards, forcing intermediate devices to conform lest their owners receive a wealth of complaints about broken service. Let me give you an example.

Many users complained that, using our dial-in service, a particular website was broken. This spread until a whole range of websites seemed to be broken - if, and only if, a user dialled in through our service. Some investigation turned up that all of these websites ran new versions of IIS. A little investigation, into only a small set of the users, revealed that all of the users who answered were using IE 5, new at the time.

Our dial-in service uses proxy servers, and the ones quoted as 'working' didn't. So clearly it was our proxy servers and we approached the proxy vendor about this. Investigation by them yielded the following result.

IIS served, in some circumstances, broken (ie, against the HTTP standard) responses to some requests that involved an object having been moved. IE5 expected this broken behaviour. The proxy server, in the middle, noticed this broken behaviour and corrected it. IE5 then didn't understand the answer. So users complained to us that *our* service (standards compliant) was broken. The users don't know the difference and, due to

extensive marketing from Microsoft, are disinclined to believe that IE is at fault, and certainly would never believe that Microsoft conspired - or just happened to - break IIS standards compliance and then stick with that broken behaviour in IE.

The resolution was an ugly hack in the proxy - if IE was talking to IIS, allow standards to be broken - which, while on the surface seemingly harmless is perhaps a distinct case of the "rot" setting in.

Now, Netscape users going to these sites would have, at the time, found the site broken. They would complain to the site admin, or, more likely, their ISP. But using our dialup service, they would find the site worked, because the proxy gave Netscape behaviour it expected. But Microsoft could simply point out that most normal sites worked in both browsers, and some sites didn't work in Netscape, therefore use IE.

This is the sort of insidious tactic that is a constant in MS products.

Never before have we seen this sort of power, wielded in this sort of way. Other companies have held monopolies for sure, and held customers and governments to ransom. But the computer market is a more dangerous battleground because such a great deal of normal everyday functions are coming to depend on them. And while this battle is painful enough for those opposing the giant now, in 5 or 10 years it will be *much, much* worse.

So those who have had demonstrated to them the duplicitious, greedy and disagreeable nature of MS in the trials to date - I note that the first finding of fact stated both a monopoly and the use of the monopoly to exclude Netscape's product, and the fact that MS were caught lying in court (their demonstrations were later shown to be rigged, as I recall) - should now take what is probably the last opportunity that will arise to prevent MS becoming even more arrogant and even more domineering.

While I would not begrudge a company the right to either success or to protect its interests, when you are dealing with the new mode of communication for people around the world, this is not territory to divvy up. When there's other ways, when there's alternatives, *that's* something worth fighting over. But when the position has been reached that most users are unable to avoid Microsoft, that they have entangled themselves in the industry to such a degree that, like an alien parasite they cannot be removed with killing the patient, a company like that must start to demonstrate a sense of responsibility.

It is as though MS had almost made themselves 'the government of the desktop computer'. They can control what you can put on it, unless you 'emigrate' - hard work and likely to cut you off from your friends, with whom you can no longer share documents. With the upcoming Windows XP they can coerce you to their will through their updates system - simply by

bundling a necessary security update with some other change *they* wish to make and you don't.

Yet they do not accept this responsibility. Imagine if the US military gave up its responsibilities and started acting like Microsoft. They would go round to people's homes, wave guns and them, and suggest that the people might want to make a 'contribution' in order for them to take risks to guard that citizen's home. Else a stray round might go that way, know what I mean, guv'nor? They would decide it wasn't profitable to protect Florida, all that way, stuck out on a limb, needs lots of men to guard basically beaches and swamps... barely worth it. And the people of Florida? Small minority, not worth the business.

It has been said that politics is about pettiness but leadership is about greatness. Sadly, you must not only endure but *win* the pettiness in order to gain leadership - where you somehow have to put aside years of pettiness and wheel out the greatness you have been storing up.

But likewise, capitalism encourages bitter fighting amongst companies, lowering prices, bundled packages, promises of security and interoperability in the case of computers. However, it runs on the premise that there will not be one monopoly and a bunch of little players, springing up only to be roundly killed off by the giant. There is no significant competition - therefore no market forces.

So, Microsoft has exited the period of pettiness and competition and now entered the realm of leadership, but not shown any signs of having thrown away that pettiness in favour of greatness.

That is why the DoJ has to step in. If they will not act like leaders, then the only power that stands above them must *make* them behave responsibly. And if that is not permitted, then only one option remains. The monster exists, and exerts its influence. By lobbying, contributing, all the things that help make politicians decide they aren't an issue, MS sees to it that it cannot be killed. So it must be tamed, and other companies must be given the chance to re-introduce the market forces that keep everything in balance.

MS does not have the great products they claim. Their products are at best mediocre. The number of security alerts alone denies greatness. But they did have smart marketing, and introduced lock-in early on, and did subvert standards to their own ways, and did hide the open interoperability information from other companies, and did specifically block out competitors' products. Ask IBM about that.

So, break them up. Their OS division, without the ability to interoperate so secretly with their software division, would find it more profitable to open up their API's so that other third-party software worked better.

Many people buy an OS because it runs a particular application - it now benefits MS-OS to work with all applications. Similarly MS-SW, it's profits are maximised by working better with all operating systems, not just Windows.

Break the giant - into pieces which each have competitors which can influence them. Break them into a number of pieces, perhaps OS, browser, Office, Hardware, Other.

Don't accept this ridiculous solution they offer - let's see, in penance for monopolistic behaviour we're going to give Windows to one of the few segments of society that cannot afford (yet) to buy it - poor kids. How stupid do they think we, and you, are? Fining them is no good - fining companies is rarely any good. No-one has the guts to levvy a 10 or 20 billion dollar fine, enough to force a break-up and major changes.

While this case is nominally about browsers, what exists is the one chance the government will get to stop what has happened. History will look back at this and wonder how it came to pass that most people were held in sway by one company, forced to accept the sub-standard products that result from the company still frantically working to deadlines, putting nice, GUI widgets before basic operation, making sure they shut out every possible competitor.

Microsoft has said that it takes security most seriously now. And of course, this isn't just another marketing ploy. Honest. No really. So, naturally they will put their core code up for peer review, as pretty much everyone who is serious about security does... I don't think it's worth us holding our breath until that moment.

Well, let them fix the problems with their products. After all - that means better products. But if they are broken up, their products will have to compete on a level playing field (for the first time for many of their products) and then we'll see how much work they have to put in on security, stability, etc.

You know what you have to do. All that remains is for you to summon up the courage to do it, in the face of what will be bitter and underhanded resistance from Microsoft. This isn't about the law. The law is just the means.

This is about creating a suitable environment for the computing industry to advance. Everyone, including Microsoft in whatever form(s) they take, will benefit from that.

No-one benefits from the continued existence of a monopoly whose self-preservation is best served by lock-in, secrecy about problems, and success marketing. The DoD runs military operations on computers. The Treasury calculates the budget on computers. The State Department maintains records on Americans on computers - social security, etc. The DoJ maintains criminal records on computers.

How will it be in 10 years time, when MS is more or less free to do anything, and still does not have the greatness to do the hard work to make good, value-for-money products that are secure. How will it be when serious compromises of every government department are weekly news - because no secure OS's are easily interoperable. Will we use firewalls? How about Cisco firewalls, which are secure 'because only 12 people have seen the source code'. Cisco is another large company, with growing market share, but that's not the problem today. Their day will come, in both senses.

No, this case provides opportunity to do what would otherwise be impossible - MS would make enough legal noise that no-one could break them up without having caught them at something major, and I doubt they'll be stupid enough to get caught like this again. They've learned - learned to hide things better.

Now is the time.

You know what to do.

John

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